

## Remarks

Reconsideration of the subject application as currently amended is respectfully requested.

The specification, claims and drawings have been reviewed and corrected to eliminate some informalities.

The Applicant would like to thank the Examiners for the courtesy extended during the telephonic interview of May 1, 2007.

The Examiner has indicated that claim 7 contained allowable subject matter. Therefore new claim 19 is submitted herein that includes the limitations of original claims 1, 14, 15 and 16.

The remainder of the claims (except claim 17) have been rejected as being obvious over McCullough in view of Farjon. Farjon is relied on as teaching a soot removing composition. Thus the Examiner is relying on McCullough as teaching all the other limitations of the claims. The Applicant respectfully traverses these rejections.

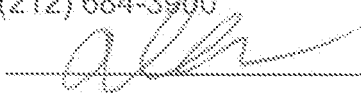
During the interview and in the rejection, the examiner has taken the position that the term "containment vessel" reads on an open metal grate forming a basket for holding logs in a fire place. The Applicant disagrees with this interpretation. The term "containment" in conjunction with vessel clearly defines to a person skilled in the art an enclosed container that holds some material that either must be protected from the open environment, or the environment needs to be protected from the material. A review of common technical literature

reveals that the term "containment" is more often used in the second sense, for example for protective containers used to hold radioactive materials. Hence, a fair interpretation of the term "containment vessel" clearly excludes grid that merely holds a log in a fireplace. However, in order to expedite prosecution, the term has been replaced with --an enclosed container--. A fair reading of the specification and the drawings make it clear that the intent and purpose of the invention is to provide a closed receptacle for a flue cleaning material. For example all the figures show such an enclosed container. No such container is disclosed by McCullough. Instead, as admitted by the Examiner this reference merely discloses a grating made of parallel metal bars with no cover. Moreover, claim 1 recite the enclosure "having an opening providing restricted communication between the interior and exterior." McCullough does not have such opening. New claims 18 and 20 further recites "opening means sized and shaped to release said vapors in a restricted manner to render the flue cleaner effective for an extended period of time." In other words, in this claim the opening limits the release of vapors to extend the useful life of the device. This feature of the invention is discussed inter alia on page 5, second paragraph.

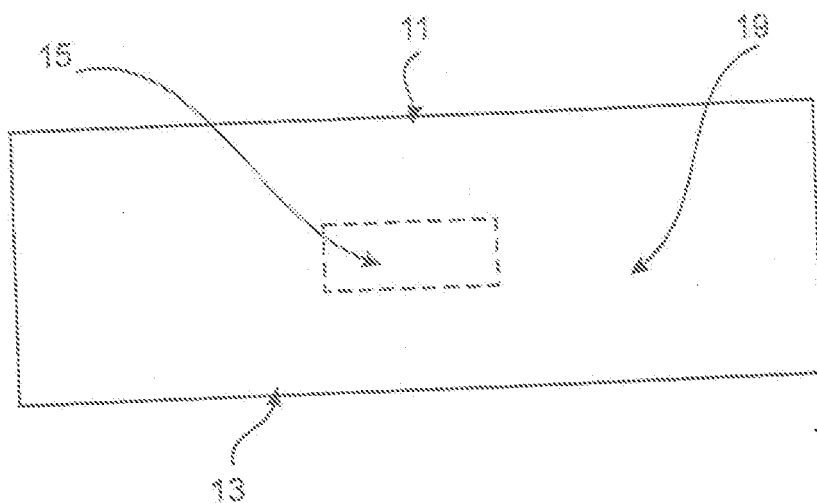
Other claims dependent on claim 4 recites that "the opening is closed by a closure formed of a material which will be consumed slowly upon the flue cleaner being placed in a fire." McCullough discloses some vertical metal bars that support wood on the grate but certainly fails to disclose this feature.

It is respectfully submitted that the subject application is patentably distinguishable over the prior art and therefore it should be allowed.

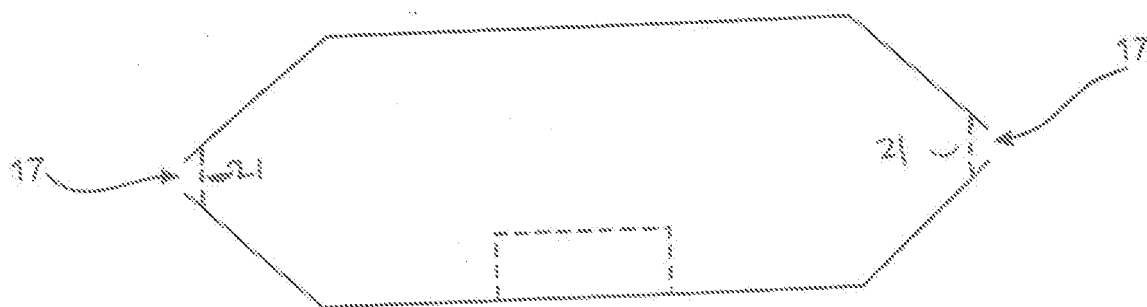
Respectfully submitted,  
GOTTLIEB, RACKMAN & REISMAN, P.C.  
Attorneys for Applicant(s)  
270 Madison Avenue, 8<sup>th</sup> Floor  
New York, New York 10016  
(212) 684-3900

  
\_\_\_\_\_  
Tiberiu Weisz, Esq.  
Reg. No. 29,876

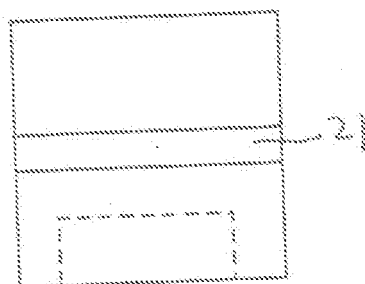
Dated: New York, New York  
May 21, 2007



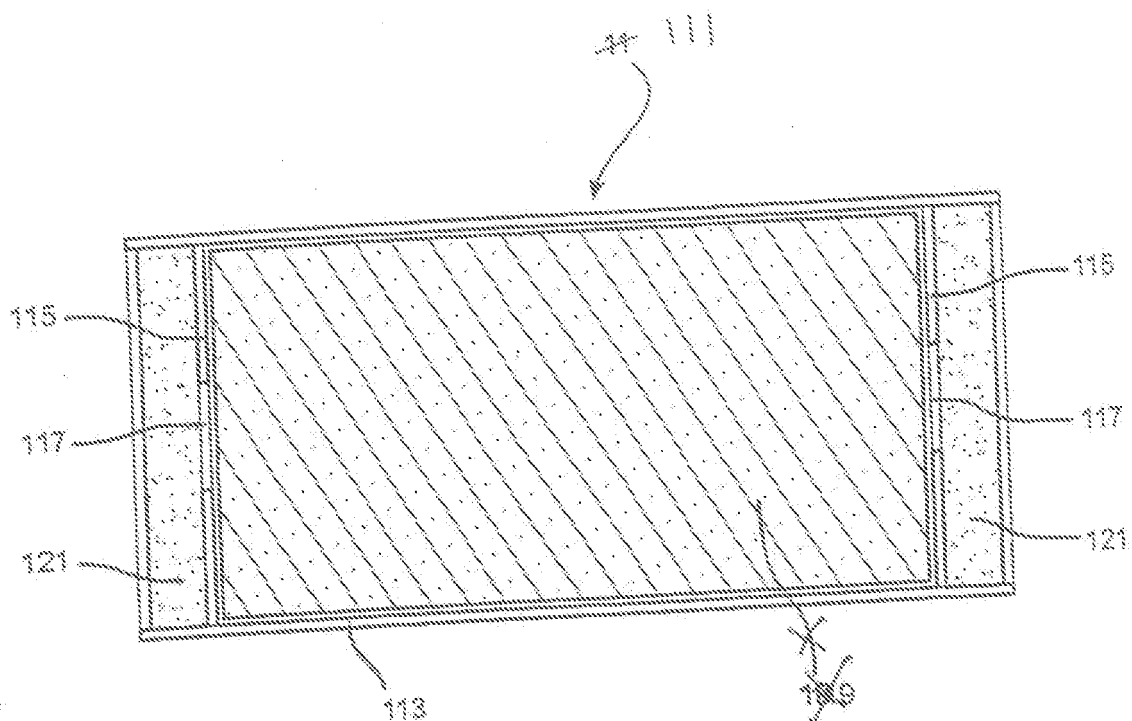
**Fig. 1**



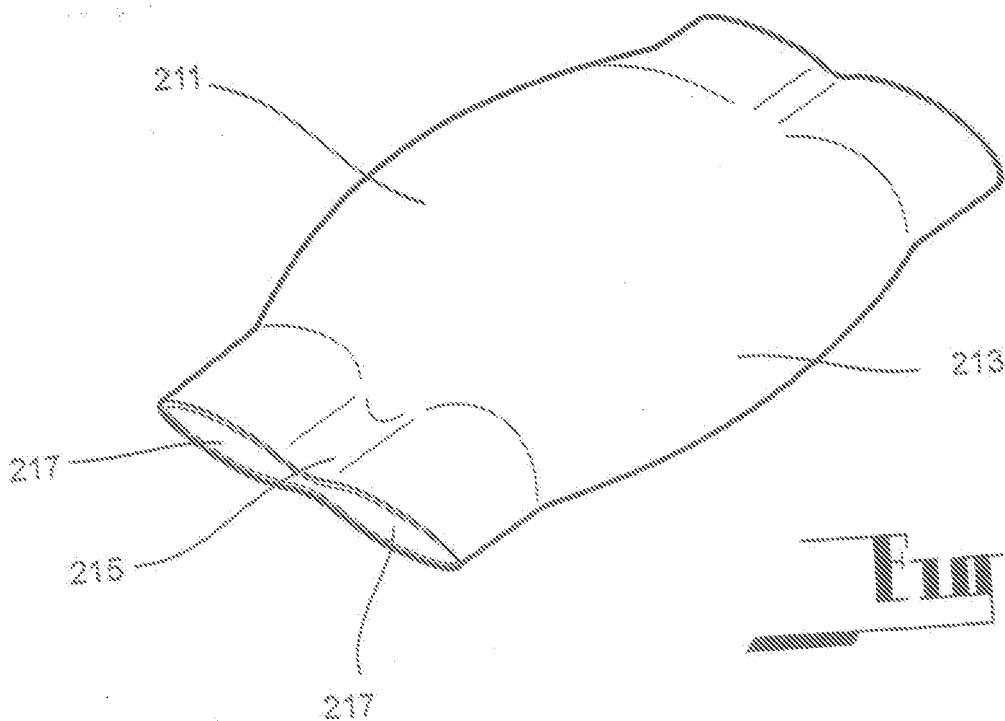
**Fig. 2**



**Fig. 3**



**Fig. 4.**



**Fig. 5.**